

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OLGA KAISER POWELL, an Individual,)
and LAURIE MORENO, as Special)
Administratrix of the Estate of Ernest)
Powell,)

Plaintiffs,)

v.)

TEXVANS, INC., an Idaho Corporation,)
LAND AIR EXPRESS, Inc., a Kentucky)
Corporation, VILIAMU TAIMANE)
SOLOVI, an Individual, EUINI TALA)
TALA, an Individual, DOES I THROUGH)
XX, and ROE CORPORATIONS, I)
through XX, inclusive,)

Defendants.)

8:11-cv-00050-LSC-FG3

(Related Case: 2:09-cv-01079, D. Nev.)

ORDER

This matter is before the magistrate judge pursuant to 28 U.S.C. § 636 and the general order of referral on the motion (Doc. 1) of Great West Casualty Company ("Great West") to quash a subpoena duces tecum served upon it by the plaintiffs in connection with a lawsuit pending in the District of Nevada.¹ The briefing deadline expired February 28, 2011, with no responses filed.

Under Fed. R. Civ. P. 45(a)(2)(C), a subpoena for production or inspection must issue from the court for the district where the production or inspection is to be made. The uncontroverted

¹Neither Great West nor the defendants in the underlying lawsuit filed the corporate disclosure statements required by Fed. R. Civ. P. 7.1, although they were all advised by the Clerk's Office that they must do so. Counsel for the parties in the underlying lawsuit did not register to practice in this district or for the court's CM/ECF System, as required by the Local Rules of Practice; however, defense attorneys Michael Mills and Terry Kennally did file a "Motion to Withdraw" announcing that they did not intend to participate in this proceeding.

record shows that plaintiff's attorney, Leonard H. Stone, served a "SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES" (Doc. 1-2) on the Movant. The subpoena was issued by this court, but commanded the Great West to produce the documents at Mr. Stone's office in Las Vegas, Nevada. The subpoena does not comply with the requirements of Rule 45(a)(2)(C). For this reason,

IT IS ORDERED that Great West Casualty Company's motion to quash plaintiff's subpoena duces tecum (Doc. 1) is granted.

IT IS FURTHER ORDERED that the Motion to Withdraw (Doc. 8) filed by attorneys Michael C. Mills and Terry Kinnally is granted.

The Clerk of the Court shall mail copies of this Order to all unregistered attorneys of record.

DATED March 3, 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge